

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GERALD HENDERSON,
Plaintiff

v.

JOSEPH F. MAZURKIEWICZ, et al.,
Defendants

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No. 4:97-cv-00250

(Judge Kane)

ORDER

AND NOW, this 8th day of December, 2015, upon consideration of Plaintiff's Motion for Preliminary Injunction (Doc. No. 148), and for the reasons set forth in the accompanying memorandum, **IT IS HEREBY ORDERED THAT:**

- 1) the motion (Doc. No. 148) is **DENIED**;
- 2) the Clerk of Court shall re-docket the motion (Doc. No. 148) and accompanying attachments as a new civil action under 28 U.S.C. § 2254;
- 3) the Clerk of Court shall mail to Plaintiff a copy of the court's Application to Proceed in District Court Without Prepaying Fees or Costs containing the docket number for the new action;
- 4) Plaintiff must file the application to proceed without prepaying fees or pay the filing fee within thirty (30) days of the date of this order, or the new action will be dismissed;
- 5) Plaintiff is granted thirty (30) days from the date of this order in which to file an amended petition for writ of habeas corpus in the new action.

S/ Yvette Kane
YVETTE KANE
United States District Judge
United States District Court
Middle District of Pennsylvania